

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALI MOORE,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

24-CV-4587 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se* and *in forma pauperis* (“IFP”), filed this complaint alleging that Defendants violated his rights on June 13, 2021, when he attended a party in Manhattan. Plaintiff alleges that two individuals, who he believes were undercover officers, approached him and engaged in conversation with him that he did not enjoy and caused him to feel intimidated. Plaintiff does not describe the conversation.

By order dated October 25, 2024, the Court dismissed the action for failure to state a claim, *see* 28 U.S.C. § 1915(e)(2)(B)(ii), and granted Plaintiff 30 days’ leave to file an amended complaint. The Court also declined to exercise supplemental jurisdiction of any state law claims Plaintiff may have asserted. Plaintiff submitted an amended complaint to the court on December 27, 2024. This amended pleading, however, restates the same exact set of facts included in the original complaint. Accordingly, the Court dismisses the amended complaint under Section 1915(e)(2)(B) for failure to state a claim on which relief may be granted.

District courts generally grant a *pro se* plaintiff leave to amend a complaint to cure its defects, but leave to amend may be denied if the plaintiff has already been given an opportunity to amend but has failed to cure the complaint’s deficiencies. *See Ruotolo v. City of New York*, 514 F.3d 184, 191 (2d Cir. 2008); *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). The

Court declines to grant Plaintiff another opportunity to amend because in the two pleadings already submitted to this court, Plaintiff has not stated any facts suggesting that any defendant violated his rights on June 13, 2021.

CONCLUSION

Plaintiff's amended complaint, filed IFP under 28 U.S.C. § 1915(a)(1), is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court directs the Clerk of Court to terminate the motion to correct errors in the amended complaint, docketed at ECF 9.

The Court declines to exercise supplemental jurisdiction of any state law claims Plaintiff may be asserting. *See* 28 U.S.C. § 1367(c)(3).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter judgment.

SO ORDERED.

Dated: January 29, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge